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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

ZAIN ALI KHAN,

Defendant and Appellant.

A127353

(Humboldt County
Super. Ct. No. CR091396)

Zain Ali Khan appeals from a judgment upon his guilty plea to transportation of marijuana (Health & Saf. Code, § 11360, subd. (a)). His counsel raises no issues and asks this court for an independent review of the record to determine whether there are any arguable issues. (*People v. Wende* (1979) 25 Cal.3d 436.)

On July 20, 2009, an information was filed charging defendant with transportation of marijuana and possession of marijuana for sale (Health & Saf. Code, § 11359). The charges stemmed from an incident in which defendant, a passenger in a pick-up truck, and the driver were found to be in possession of seven pounds of marijuana and a total of \$50,599 in cash.

On September 30, 2009, defendant moved to suppress evidence seized during the search of the truck on the ground that the officer lacked probable cause to search the vehicle. The court denied the motion.

On November 5, 2009, pursuant to a negotiated disposition, defendant waived his right to a jury trial and pled guilty to transporting marijuana. The court dismissed the remaining count of the information.

On January 6, 2010, the court placed defendant on probation for three years on conditions including that he serve 270 days in the county jail. Defendant was awarded one day of custody credit.

On November 16, 2010, defendant's counsel filed a letter brief from defendant that sets forth several issues he now seeks to raise on appeal. The letter is dated August 21, 2010, but was not received by defendant's counsel until November 12, 2010. Although it is untimely, we briefly address the issues raised by defendant. In his supplemental letter brief, defendant argues that the court erred in denying his motion for a continuance and in denying his motion to suppress evidence. He also argues that his case was handled in a discriminatory manner and that he was prejudiced due to bias against his ethnic origin. The record indicates that the case was continued several times, that it was set for trial on September 21, 2009, but was continued on defendant's motion, and subsequently on the court's own motion. The court properly denied defendant's motion to suppress evidence on the ground that there was probable cause for the search. There is nothing in the record to reflect that defendant suffered discrimination based on his ethnic origin.

There was no error in the sentencing. The court has reviewed the entire record and there are no meritorious issues to be argued.

DISPOSITION

The judgment is affirmed.

RIVERA, J.

We concur:

RUVOLO, P.J.

REARDON, J.